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STATE OF ALASKA
LOCAL BOUNDARY COMMISSION MEETING
FEBRUARY 11, 2003

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P R O C E E D I N G S

CHAIRMAN: Oh, good morning. This is Kevin Waring, Chair.
We will return to this meeting of the Local Boundary
Commission from the recess of February 8th. It is
approximately 9:10, February 11th. Mr. Bockhorst, will you
please call the roll?

MR. BOCKHORST: Commissioner Waring?

CHAIRMAN: Here.

MR. BOCKHORST: Commissioner Lynch?

COMMISSIONER LYNCH: Here.

MR. BOCKHORST: Commissioner Tesche? Commissioner
Gardner? Commissioner Harcharek?

COMMISSIONER HARCHAREK: Here.

CHAIRMAN: We have three commissioners present and a
quorum and we can proceed. I'll note for the record that
Commissioner Gardner informed us she had prior commitments and
was not able to participate in today's hearing -- meeting.
Commissioner Tesche apparently is en route. We will -- we do
have a quorum though and we will continue the meeting. We
summarize, we did conclude the public hearing taking comment
on the Commission's draft report on the recessed -- now
recessed -- I mean, recessed meeting of February 8th so the
hearing comment is -- hearing period or hearing phase of the

1 meeting is concluded. Our business today is for the
2 Commission to -- itself to consider, revise and finally
3 approve a report to send forward to the legislation in
4 fulfillment of its mandate under SB 359. Perhaps we can begin
5 with a -- any motion from a commissioner to whack on the
6 report and then proceed to discussion. I would ask if we
7 could have separate motions to approve the report and to
8 forward the report to the legislature as the Commission's
9 report. So if we can begin with the motion?

10 COMMISSIONER HARCHAREK: Mr. Chair?

11 CHAIRMAN: Commissioner Harcharek?

12 COMMISSIONER HARCHAREK: I move to approve the report.

13 CHAIRMAN: Commissioner Harcharek has moved that the
14 Commission re -- approve the public reviewed draft report.....

15 COMMISSIONER LYNCH: Second.

16 CHAIRMAN:and seconded by Commissioner Lynch.
17 Commissioner Harcharek, did you want to speak regarding your
18 motion?

19 COMMISSIONER HARCHAREK: I believe that we've made a few
20 changes in this document and on the whole, I think the staff
21 has done a wondrous job. Most of my comments have to do with
22 the continuing lack of current economic information and
23 particularly, in some of the (indiscernible) Native regions.

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1 (Indiscernible) this was based on 2000 census data and there
2 have been many changes economically in the state since that
3 time but other than that, I think it's an excellent report.

4 CHAIRMAN: Well, I -- I'd suggest we just perhaps have a
5 moment of general comment and then get into revisions. I
6 think we're way -- there may be a couple of amendments or
7 revisions that we propose. Commissioner Lynch, did you have
8 any general comments you wished to make about the report?

9 COMMISSIONER LYNCH: Just to say that I agree that there
10 is, obviously, the substantial effort on the part of staff to
11 gather the information and put it together in a readable
12 format and it was a monumental task in a relatively short
13 period of time and I -- I'm very pleased with it.

14 CHAIRMAN: This is Commissioner Waring. I agree with that
15 and would also acknowledge too the difficulty that
16 Commissioner Harcharek pointed to. Unavoidably, the staff did
17 have to use available information. It wasn't possible to go
18 and go (indiscernible) and do (indiscernible) data collection
19 and assemble it in the time available we had (indiscernible)
20 perhaps and what significant it has and with that qualifier,
21 acknowledgement the report, once we are done with our work on
22 it but I think that staff and others in the department and
23 outside the department have done a -- have bent their backs to

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1 support the Commission in this effort. If there are any, we
2 might as well begin with (indiscernible) or proposed
3 revisions. Let me deal with one thing first though before
4 that and perhaps ask Mr. Bockhorst, we did at Saturday's
5 hearing get here a variety of information, some of which may
6 have been of the factual sort that he couldn't take account
7 of. He also -- in the draft, he also did receive some
8 editorial comments from Commissioner Tesche and let me just
9 ask first, Mr. Bockhorst, what he has done and then some
10 expression on the part of the Commission whether we wish to
11 simply tell Mr. Bockhorst fine, proceed, or involve ourselves
12 in what changes he may have made.

13 MR. BOCKHORST: Thank you, Mr. Chairman. I did receive,
14 as you indicated, handwritten notes from Commissioner Tesche
15 at the meeting on Saturday. They are what I would construe
16 largely to be stylistic changes that aren't too significant
17 with policy issues that he has suggested as far as changes.
18 In addition, as the Commission is aware, there has been a
19 substantial amount of (indiscernible) information and comments
20 that have been received from the public concerning the draft
21 materials. A lot of the comments that are being offered are
22 anecdotal in nature and not authoritative, you know,
23 indicating, for example, that unemployment in their particular
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1 community is 96 percent as opposed to what the census shows
2 and it was our understanding that unless there's something
3 here that we could easily identify as an error in the report,
4 that we would append these comments to the material that we
5 would submit to the legislature which would consist of the
6 report, the public comments on the report and then the
7 transcripts of public meetings that the Commission has held
8 and submit that as a complete record.

9 I have taken steps to organize the public comments that
10 have been received on them -- or organized them by communities
11 and then, in turn, by model boundary area so that it will be
12 easier for people in the future to rather look at them as they
13 came in consecutively, we'll just leave them -- present them
14 in that fashion. Mr. Chairman.

15 CHAIRMAN: Thank you, Mr. Bockhorst. We will -- I'd ask
16 the (indiscernible) of the Commission whether the procedure
17 that Mr. Bockhorst outlined is agreeable; that is, that
18 basically, we acknowledge that the (indiscernible) so to speak
19 of (indiscernible) data, public data sources at the time the
20 report was prepared and append to it all of the comment, some
21 of which contests supplies, you know, other factual
22 information. If there is any outrageous error or, you know,
23 that is readily sourced and corrected by sourcing, I think

1 that would be fine but in -- for practical terms, I ask if
2 what Mr. Bockhorst has proposed here is acceptable to the
3 Commission. Commissioner Harcharek?

4 COMMISSIONER HARCHAREK: I would say yes.

5 CHAIRMAN: Commissioner Lynch?

6 COMMISSIONER LYNCH: That sounds acceptable to me also.

7 CHAIRMAN: Let me recognize Mr. Tesche's who has just
8 arrived. We have just begun. We had a motion to approve the
9 (indiscernible) draft. We are now beginning to -- about to
10 begin to -- suggestions for revisions if there are any
11 forthcoming.

12 COMMISSIONER TESCHE: I will support the draft. I think
13 staff has done an excellent, excellent piece of work on this
14 in a very short period of time.

15 CHAIRMAN: That makes a fourth for that motion and we are
16 in process of deciding rather than try and make any wholesale
17 revisions of the factual content on the basis of anecdotal or
18 rather information, we will simply include all that as a part
19 of the supplementary material with our report so that the
20 legislature and everyone else will have all of that public
21 comment and written comment for their own assessment.

22 I overlooked something that I should take a moment out to
23 correct if I could, please, ask the other teleconference sites

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1 to identify themselves and, for the record, who is present. I
2 know of some. I understand there is a Glennallen LIO office
3 site on line, is that correct? Will someone else then on the
4 telecast -- one of the remote sites identify themselves?

5 UNIDENTIFIED FEMALE SPEAKER: Oh, excuse me, we have two
6 people listening.

7 CHAIRMAN: Thank you and is Tok connected?

8 UNIDENTIFIED FEMALE SPEAKER: Tok is here. We also have
9 two people listening. They were also here Saturday.

10 CHAIRMAN: Okay. Thank you. Valdez?

11 UNIDENTIFIED FEMALE SPEAKER: Yes, we're on line and we
12 have one person listening who was also here on Saturday.

13 CHAIRMAN: Thank you. Glennallen is Glennallen connected?

14 UNIDENTIFIED FEMALE SPEAKER: Yes, we're here and we have
15 one person listening.

16 CHAIRMAN: Thank you and have I missed any sites? Okay.
17 Thank you for the identification. We will proceed then. We
18 are at the point where we need a -- entertain amendments or
19 revisions to the report in the form of amendments to the
20 original motion. Is there any -- do we have any issues we
21 want to offer, any amendments to the draft report? There were
22 three that I had submitted and had -- asked Dan to circulate
23 to commissioners and a fourth one that I would like to offer
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1 for the Commission too. Through the (indiscernible), I would
2 think more appropriate (indiscernible) a cover letter that we
3 might send it along with the report. I would like to
4 (indiscernible) with the content of the report and that occurs
5 in chapter two on page 42 at the -- and it deals with the
6 sentence on -- beginning at line seven. The sentence as it
7 now reads is the fact that -- and this is in the discussion of
8 the relationship of the model borough boundaries to REAA
9 boundaries. There is a sentence beginning the fact that there
10 is no clammer to change the boundaries and continues on, my
11 suggestion would be to delete that sentence and substitute the
12 following sentence which I believe has been somewhat
13 circulated and that sentence would instead be so that the
14 proposed revision would read as follows. In any case, insofar
15 as model borough boundaries are based on the standards cited
16 in Article X, Section 3 of Alaska's Constitution, the result
17 of regulatory standard 3 AAC 110.060(c) -- that is the
18 reference to the role of REAA boundaries and boundaries
19 setting forth those -- the presumptive regulatory standard
20 requiring control in the proposed borough and REAA unit
21 boundaries is subordinate to the authority of those
22 constitutional standards and my point in offering that
23 amendment to the report is to just make clear the -- let me --

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1 different bases for the model borough boundaries which, to my
2 mind, are largely based in the constitutional standards and
3 their relationship or the relationship of the REAA boundaries
4 to those standards, that the constitution-based standards take
5 precedence over statutory or regulatory standards in this case
6 which is what the REAA standard is.

7 COMMISSIONER TESCHE: (Indiscernible), Mr. Chairman?

8 CHAIRMAN: Mr. Tesche?

9 COMMISSIONER TESCHE: It strikes me that there's actually
10 two different concepts being discussed, first one on the
11 original draft as to whether there's some degree of change
12 requested by people and then on your staff, the relative order
13 of priorities based on that relative ends. Seems to me it
14 might be wise to keep both thoughts and that perhaps the
15 language that you've suggested could be added rather than to
16 replace the language of the draft but it's just a thought.

17 CHAIRMAN: Well, we had it -- a second. I would be glad
18 to put it in this (indiscernible) and see if there is a
19 second. I would offer an amendment to delete the single
20 sentence beginning line seven that I have referenced and if
21 there is no second for that, we will leave that sentence in,
22 obviously. Hearing no second, I guess that sentence stays in.

23 I would then offer another amendment and that is to insert a
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1 second as a new paragraph, that single sentence that I already
2 read in any -- beginning in any case insofar as model borough
3 boundaries are based in the standards cited in, etcetera.

4 COMMISSIONER TESCHE: Second.

5 CHAIRMAN: And Commissioner Tesche seconded. Is there any
6 discussion? I've already discussed my reason for offering
7 that language. Hearing none, Commissioner Harcharek?

8 COMMISSIONER HARCHAREK: I didn't talk about this before
9 but (indiscernible) Commissioner Tesche just said. Anything
10 that makes sense (indiscernible). I just hadn't ever thought
11 of it that way. It makes sense.

12 CHAIRMAN: Is there any further discussion? Then Mr.
13 Bockhorst, let's have a vote on the proposed amendment to
14 insert that additional sentence at -- on page 42 following
15 line 11. Yes is to insert that additional sentence.

16 MR. BOCKHORST: Commissioner Waring?

17 CHAIRMAN: Yes.

18 MR. BOCKHORST: Commissioner Tesche?

19 COMMISSIONER TESCHE: Yes.

20 MR. BOCKHORST: Commissioner Lynch?

21 COMMISSIONER LYNCH: Yes.

22 MR. BOCKHORST: Commissioner Harcharek?

23 COMMISSIONER HARCHAREK: Yes.

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1 CHAIRMAN: As far as the report itself, that's the extent
2 of any revisions I would offer. Let me ask the rest of the
3 Commission, we obviously need to have a cover letter of some
4 sort to go along with the report that summarizes the main
5 findings and the Commission, I thought that -- my own thought
6 was that would be an appropriate place to put in any
7 qualifications so that they are front and center and
8 (indiscernible) with and part of the report. We may have a
9 separate cover letter but we should also bind in any cover --
10 transmittal letter that explains the genesis of the report,
11 any findings that the legislature requested us to provide and
12 any other qualifications or points we wish to make and if
13 there's no objection, I'd suggest we provide Mr. Bockhorst
14 direction on what that cover letter should contain and let me
15 begin with who worked a minimum. When it -- it should just
16 summarize the legislative genesis -- or gen -- the directive
17 that led the Commission to do the study and I don't think this
18 should be a long letter, two paragraph, probably two sentences
19 -- pardon me, two pages.

20 MR. BOCKHORST: (Indiscernible) to sentences, two pages.

21 CHAIRMAN: Well, be concise. We're going in the wrong
22 direction. I think two pages or thereabouts should do it.
23 The legislative direction, what the Commission did in the
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1 process of preparing the study, what the summary findings are
2 and any qualifications or other information we think need to
3 be part of the cover letter so that the legislator is al --
4 legislature is alert to the significant qualifications or
5 implications that we want to call their attention to. Does
6 that -- is there any objection to a letter of that nature?
7 That said, then I would like to offer this -- I drafted some
8 language that I would suggest the Commission consider making
9 part of that cover letter, at least there something like it.

10 The first language that I would offer for inclusion in
11 that cover letter deals with this issue of the evident lack of
12 timeliness in some of the data that we had to use and that
13 seemed most particularly significant to me in the case of the
14 Prince of Wales communities -- Prince of Wales Island
15 communities which are (indiscernible) from the (indiscernible)
16 state fishing industry, a dual adverse shock to their
17 economies and my personal feeling is that I simply don't feel
18 confident that we have good enough data to make any conclusive
19 finding about their life or (indiscernible) and that's why the
20 reason why I would offer this language to be included. This
21 is the language that was circulated and I'll read it for the
22 record. Given the resources and time available for the
23 report, it was necessary for the Commission to use the most
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1 current available secondary data. The Commission recognizes
2 that recent socioeconomic trends not yet reflected in official
3 published data may significantly affect the capacity of the
4 Prince of Wales Island region to support our government at
5 this time and therefore, pending more up-to-date information
6 and further analysis including further analysis of the fiscal
7 impacts of School District consolidation, the Commission
8 declines to make a finding as to whether Prince of Wales
9 Island has the human and financial resources to support our
10 government and I would -- the motion for that is the language
11 to include in our transmittal letter.

12 COMMISSIONER TESCHE: Second.

13 CHAIRMAN: Seconded by Commissioner Tesche and speaking,
14 you know, on the motion, it simply reflects, at least in my
15 mind, the fact that that was the area that seemed most
16 affected by recent changes, (indiscernible) in the state, of
17 course, have -- ride up and down with the state's general
18 economic circumstances but I do think there is reason to think
19 this area has been affected to a degree that it's just hard to
20 tell and I feel confident myself saying at this time for sure
21 that that area qualifies. By the same token, I think it
22 deserves continuing attention and particularly, that we need a
23 full analysis of the School District impacts and possibly

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1 revenue savings there and the effect of that on
2 (indiscernible). So is there discussion by any other
3 commissioner on that?

4 COMMISSIONER LYNCH: Commissioner Waring?

5 CHAIRMAN: Commissioner Lynch?

6 COMMISSIONER LYNCH: Well, I agree with the statement that
7 you made. I have those same concerns and I think that we got
8 good testimony about that. My concern, however, is the
9 question is do we need to make a corresponding revision to the
10 report itself?

11 CHAIRMAN: In the -- actually, in the memo that I
12 circulated through Dan, I suggested that we needed to make a
13 corresponding revision, actually, in the text of the chapter
14 three findings at the bottom of page 51 which is where we make
15 the finding if I recall that all of these candidate areas do
16 satisfy the requirements. I think we would have to insert it
17 there, language that is consistent with this finding and I
18 think that probably is easily done. That is the -- your
19 intent that we do that, Commissioner Lynch?

20 COMMISSIONER LYNCH: Yes, but I just -- I was inquiring, I
21 guess -- probably not in an articulate manner but as part of
22 your motion.

23 CHAIRMAN: With -- if I've got the parliamentary matter
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1 straight, if Commissioner Tesche concurs, I also add that we
2 make that revision in text on page 51.....

3 COMMISSIONER TESCHE: (Indiscernible).

4 CHAIRMAN:consistent with -- that is now part of the
5 amendment with Commissioner Tesche's concurrence. Thank you
6 for reminding me of that, Commissioner Lynch. Is there
7 further discussion? Then Mr. Bockhorst, please call the roll.
8 A vote for is to include that language in our cover letter.

9 MR. BOCKHORST: Commissioner Waring?

10 CHAIRMAN: Yes.

11 MR. BOCKHORST: Commissioner Tesche?

12 COMMISSIONER TESCHE: Yes.

13 MR. BOCKHORST: Commissioner Lynch?

14 COMMISSIONER LYNCH: Yes.

15 MR. BOCKHORST: Commissioner Harcharek?

16 COMMISSIONER HARCHAREK: Yes.

17 CHAIRMAN: The second amendment that I would offer deals
18 with the Glacier Bay and Chatham model boroughs. Let me offer
19 the language and if there's a second, discuss it. The
20 language would be as follows. The Commission finds that the
21 Glacier Bay and Chatham model boroughs meet the standards for
22 borough incorporation. However, based on public comment and
23 other information, the Commission believes that an alternative

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1 in here its jurisdiction or jurisdictions alternative borough
2 jurisdiction for these two regions may better meet
3 incorporation standards. Therefore, pending additional local
4 consultation and analysis, the Commission is not now prepared
5 to offer a final determination as to the borough jurisdictions
6 that best meet the standards for incorporation.

7 COMMISSIONER TESCHE: For purposes of discussion, second.

8 CHAIRMAN: Moved and seconded then that we make that
9 amendment. My reasons for offering it are several. Let me
10 begin with the comment that we did have at our hearing and
11 some other letter comment from citizens and organizations
12 within that pair of model borough areas and this would be
13 particularly City of Kake, Pelican, representatives of
14 Pelican, extensive comments from -- numerous comments from
15 Glacier Bay and other communities and most particularly, the
16 extensive comment we got from Kake. I'm comfortable with the
17 findings in the report that these areas stand alone. If at
18 the -- near the margin, do satisfy the requirements. However,
19 when I look at the population of those two, they're the two
20 smallest in population of all of the eight borough areas that
21 we looked at. Their school (indiscernible) are also the
22 smallest. There are a number of first class or homeland
23 cities that operate their own school districts within that

1 area. There are an REAA district in the north that includes,
2 actually, one of the communities and whom that is in the
3 Chatham model borough boundaries that, along with Kake,
4 comprise the two communities that are in the Chatham model
5 borough boundary. The question I've asked myself and I've not
6 gotten to a conclusion is whether consolidation or some other
7 arrangement would better suit the socioeconomic and other
8 characteristics of that area. We did hear testimony
9 particular about the concern for a local economy, particular
10 concern about the best socioeconomic (indiscernible) of
11 communities in those regions that are not necessarily in
12 conformity with the two model borough boundaries. All in all
13 and again, while I don't have any qualm about saying these two
14 areas independently do satisfy the requirements, I think as a
15 way of keeping open the question whether we've got the best
16 jurisdictional arrangements -- I'm not talking about their
17 liability, I'm talking about the best jurisdictional
18 arrangement for that region or pair of regions in terms of the
19 various standards that apply and so I -- the language I offer
20 is just meant to say that while we think the areas as now
21 constituted do satisfy standards, we think there might be an
22 even better configuration to be found. Mr. Tesche?

23 COMMISSIONER TESCHE: Yeah, if I understand your comment,
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1 when you say better area, you mean a geographic area, is that
2 correct?

3 CHAIRMAN: Correct, a boundary best solution and.....

4 COMMISSIONER TESCHE: Yeah, but the time then -- at the
5 same time, you can't suggest what that is because you're
6 saying -- the point you're making is you need further
7 analysis.

8 CHAIRMAN: That would be my feeling, that we heard some
9 information that in my mind at least gives good reason to
10 think that there might be and I'm sure.....

11 COMMISSIONER TESCHE: I think a recommendation at least to
12 consider where it stays, determination as to the borough
13 jurisdictions, you might consider substituting determination
14 as to the specific areas? Would that be a little bit more
15 clear?

16 CHAIRMAN: That would be fine.

17 COMMISSIONER TESCHE: I'd offer that as a friendly
18 amendment as to the specific areas, rather than as to the
19 borough jurisdictions.

20 CHAIRMAN: And that's the crux of my concern. I'm -- it's
21 less a matter of viability. I think the areas do meet the
22 threshold. I've got this open mind about whether we got the
23 best configuration and I wish we would have had more

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1 information and more time to research that particular region
2 or communities more thoroughly and that circumstances allowed.

3 That's the extent of what I would want to go over on that
4 particular area.

5 COMMISSIONER TESCHE: So I offer that as a friendly
6 amendment.

7 CHAIRMAN: And that's accepted.

8 COMMISSIONER TESCHE: Very well.

9 CHAIRMAN: Is there discussion by any other commissioner?
10 Hearing none, then we will vote on the -- this amend -- or
11 this item to be included in the cover letter with Mr. Tesche's
12 revisions so that the last part of it reads now the Commission
13 is now not -- not now prepared to offer a final determination
14 as to the specific areas that best meet the standards for
15 incorporation. A yes is a vote to include it. Commissioner
16 Bockhorst -- pardon me, Mr. Bockhorst, please call the roll.

17 MR. BOCKHORST: Commissioner Waring?

18 CHAIRMAN: Yes.

19 MR. BOCKHORST: Commissioner Tesche?

20 COMMISSIONER TESCHE: Yes.

21 MR. BOCKHORST: Commissioner Lynch?

22 COMMISSIONER LYNCH: Yes.

23 MR. BOCKHORST: Commissioner Harcharek?

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1 COMMISSIONER HARCHAREK: Yes.

2 CHAIRMAN: Okay. That concludes that one. There is one
3 more item that I failed to include in the cover letter that I
4 did not previously circulate but let me offer it and at least
5 get my thoughts for proposing to include it in our -- with our
6 -- in our transmittal and that is a pair of sentences that
7 would read as follows. Among other results, it is particular
8 significant that incorporation of the seven regions that the
9 Commission finds to meet the standards for borough
10 incorporation would reduce the number of school districts
11 serving those regions by half from 14 to seven school
12 districts. Further, incorporation of a Prince of Wales Island
13 Borough would reduce the number of school districts serving
14 that region from four to one and I'd offer that language to be
15 included in the transmittal letter.

16 COMMISSIONER HARCHAREK: Would you repeat that, please?

17 COMMISSIONER LYNCH: Second.

18 CHAIRMAN: Yes, let me -- Commissioner Harcharek asked
19 that I repeat it again. Among other results, it is particular
20 significant that incorporation of the seven regions, the
21 Commission finds to meet the standards for borough
22 incorporation would reduce the number of school districts
23 serving those regions by half from 14 to seven school
24

1 districts. Further, incorporation of a Prince of Wales Island
2 Borough would reduce the number of school districts serving
3 that region from four to one and I believe I heard
4 Commissioner Lynch offer a second and let me -- I'd offer my
5 reasons for putting -- offering this amendment in the --
6 simply this, currently, in the testimony and comment we have
7 received, the impact of these findings would a -- implemented
8 in any fashion by the legislature most significantly affect
9 the existing school systems in both the first class and normal
10 cities and in the REAAs. It's -- schools are also the most
11 significant service provided by those. It -- at least some
12 legislative minds, the relationship of boroughs and schools is
13 central to the direction and the study we were directed to
14 prepare. I'm -- I looked and I didn't see in the study
15 anywhere where we flatly just told the legislature what the
16 implication of this report would be for school districts and I
17 -- you know, I just thought that it was -- made sense to
18 single that out and call their attention to it so that they
19 would be aware up front what the implications were. In that
20 regard, I think they will hear a great deal more about that
21 but I just thought it was good to pull that summary piece of
22 information out and put it in the transmittal letter so that
23 they would be aware of this implication that is built into --

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1 as part of the Commission's findings.

2 So that was my thinking for offering this language for
3 inclusion in the cover report -- cover letter. Any
4 discussion?

5 COMMISSIONER HARCHAREK: Mr. Chair?

6 CHAIRMAN: Commissioner Harcharek?

7 COMMISSIONER HARCHAREK: (Indiscernible - simultaneous
8 speaking). I can't see any way for us (indiscernible). I
9 know you're (indiscernible) the school districts, the four
10 (indiscernible) attention of the legislature but I don't know,
11 I'm almost tempted to say (indiscernible) and Prince of Wales
12 Island (indiscernible) four districts. It's just putting a
13 little emphasis on it because I really don't see that
14 feasibility or any possibility that Prince of Wales Island
15 will incorporate (indiscernible) something about these four
16 school districts. You know, if (indiscernible) it's 1,100
17 students and you're talking quite a few million dollars and
18 considerable savings (indiscernible) around. (Indiscernible).

19 CHAIRMAN: Yes, is there language you wanted to offer? If
20 I may just not responding -- I don't want to get into anything
21 you said. I did -- in both of those clauses, you jumped into
22 something here that -- this is not real or anything inevitable
23 but in this hypothetical, these consequences, be aware I --

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1 you know, with regard to Prince of Wales and those school
2 districts, we did receive quite a bit of testimony saying no
3 borough but we need to look at this and school situation and
4 that originated locally and I think there is probably some
5 genuine consensus there but I'm also thinking that we are --
6 we were asked to look at boroughs and that there is a -- an
7 apparatus that will look after those educational issues on
8 their own terms and that's not really our ballpark except in
9 the context of boroughs.

10 COMMISSIONER HARCHAREK: Context of boroughs. Okay.

11 CHAIRMAN: And I don't gainsay, you know, what you said at
12 all except that we.....

13 COMMISSIONER HARCHAREK: My interest shows that most of
14 the legislature will be able to read between the lines.
15 (indiscernible) presentation.

16 CHAIRMAN: I trust the legislature will hear between the
17 lines and be told emphatically between the lines. Is there
18 any other discussion of that particular addition to the
19 (indiscernible)? Hearing none then, Mr. Bockhorst, would you
20 call the roll on including that language in the cover letter?

21 MR. BOCKHORST: Commissioner Waring?

22 CHAIRMAN: Yes.

23 MR. BOCKHORST: Commissioner Lynch?

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1 COMMISSIONER LYNCH: Yes.

2 MR. BOCKHORST: Commissioner Tesche?

3 COMMISSIONER TESCHE: Yes.

4 MR. BOCKHORST: Commissioner Harcharek?

5 COMMISSIONER HARCHAREK: Yes.

6 CHAIRMAN: Carries. Well, either I ran out of time or I

7 have no language to offer. So we've now provided Mr.

8 Bockhorst some general direction, some specific language that

9 we would like to see included in the cover letter. Is there

10 any wish on the part of the Commissioners to review that and

11 sign off on it before it is forwarded? I -- Dan always gives

12 me the courtesy of making sure that whatever he drafts

13 reflects as best I can, you know, say what the Commission's

14 sentiment is and if that's agreeable, I will do that.

15 COMMISSIONER TESCHE: That's acceptable to me, Mr.

16 Chairman.

17 COMMISSIONER HARCHAREK: Acceptable to me also.

18 CHAIRMAN: Okay. Then let's see, we have voted on the

19 report. Do we need a vote on the transmittal letter or

20 (indiscernible)?

21 COMMISSIONER HARCHAREK: Mr. Chairman? I -- we voted on

22 the amendments (indiscernible).

23 CHAIRMAN: Thank you, Mr. -- Commissioner Harcharek.

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1 Shall we -- let me ask the forbearance of the Commission --
2 shall we review the report and the transmittal letter as a
3 package and vote on -- view that as an amendment or an
4 addition to the report. Perhaps we should probably have a
5 catchall vote on that, a motion to include a letter of that
6 sort as part of the report package.

7 COMMISSIONER TESCHE: I'm prepared to move that when
8 appropriate.

9 CHAIRMAN: This may be an appropriate moment.

10 COMMISSIONER TESCHE: So moved.

11 CHAIRMAN: Moved by Commissioner Tesche that.....

12 COMMISSIONER HARCHAREK: Second.

13 CHAIRMAN:and seconded by Commissioner Harcharek
14 that the letter as written by the Commission be appended and
15 as part of the report to the legislature. Any discussion?
16 Please let us have a vote on that. Please call the roll, Mr.
17 Bockhorst.

18 MR. BOCKHORST: Commissioner Tesche?

19 COMMISSIONER TESCHE: Yes.

20 MR. BOCKHORST: Commissioner Harcharek?

21 COMMISSIONER HARCHAREK: Yes.

22 MR. BOCKHORST: Commissioner Lynch?

23 COMMISSIONER LYNCH: Yes.

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1 MR. BOCKHORST: Commissioner Waring?

2 CHAIRMAN: Yes. Okay. Let me ask then if there are any
3 further amendments, revisions, changes to the Commission's
4 report. Then it would be appropriate to have a vote on the
5 entire package that is a -- the approval of the report with
6 amendments and with the cover letter. A vote yes is to
7 approve the report for -- as the Commission's report to the
8 legislature. Will you please call the roll, Mr. Bockhorst?

9 MR. BOCKHORST: Commissioner Harcharek?

10 COMMISSIONER HARCHAREK: Yes.

11 MR. BOCKHORST: Commissioner Lynch?

12 COMMISSIONER LYNCH: Yes.

13 MR. BOCKHORST: Commissioner Tesche?

14 COMMISSIONER TESCHE: Yes.

15 MR. BOCKHORST: Commissioner Waring?

16 CHAIRMAN: Yes. We are then unanimously approved the
17 report as our report to be forwarded to the legislature and I
18 think that concludes our business on the report. Commissioner
19 Tesche?

20 COMMISSIONER TESCHE: I have an item four if I could at
21 the right time.

22 CHAIRMAN: We are at item four which is Commission reports
23 or comments from the Commission. Commissioner Tesche?

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1 COMMISSIONER TESCHE: Thank you, Mr. Chairman. I learned
2 informally yesterday that there will be a change in the
3 membership of this Commission and that I understand that today
4 will be the last opportunity I will have to address this body
5 as a commissioner and I wanted to just address a few remarks
6 to staff and to my colleagues on this Commission before I
7 leave. First, to staff, I want to say that one of the reasons
8 why I offered to serve the Boundary Commission as a member was
9 to have an opportunity to work at the very pinnacle of
10 municipal government in this state which I always believe and
11 certainly believe now to be the staff of this department. In
12 particular, the office of Mr. Bockhorst who has distinguished
13 himself as truly an expert and truly a giant in municipal
14 government in this state and I enjoyed very much working with
15 the staff. I've been humbled by the experience to actually
16 work through many issues affecting local government as a
17 member of this Commission and to have the benefit of the
18 expertise and the experience of the staff and the decisions
19 that we have made.

20 I can say, I think, with a great deal of pride that I've
21 learned a lot from staff. I've probably rarely disagreed with
22 staff because they are always so clear and convincing in their
23 evidence but nevertheless, I certainly would urge future
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1 commissioners to try to do what I think most of us have done
2 here and that is to test the analysis and recommendations of
3 staff with as much rigorous scrutiny and thought as we can to
4 make sure that we are continuing to act in the best interest
5 of the citizens of Alaska. I think that when our current
6 staff leaves, there will be a significant void left in the
7 collective expertise that we have in this state in local
8 government and I do hope that issue is addressed by the
9 current or the new administration but I think staff have set a
10 fine example of public service for everybody in this state to
11 follow.

12 I have a couple of quick conclusions about two of the
13 most important decisions that we have to make as a commission
14 or at least types of decisions. First, our incorporation
15 decisions, we've had issues before as to whether or not to
16 allow the formation of new local governments in the state.
17 The formation of a new municipality, really, is a decision to
18 allocate or reallocate the responsibilities of government as
19 between the state and local residents when necessary or
20 appropriate. I would certainly urge the Commission and the
21 staff to continue to be a fierce and objective advocate of
22 local government and to support and nourish the formation of
23 new local governments particularly where it's appropriate and
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1 particularly where local residents can assume the
2 responsibilities of local government. I think staff has done
3 an excellent job in that regard. I think the Commission's
4 record in fostering new local government as appropriate not
5 only makes good sense, it follows the dictates of the
6 Constitution of Alaska.

7 We also make decisions on annexations and I've found over
8 time, the various annexation decisions, that they always tend
9 to be controversial. Stating it very bluntly, the question is
10 always going to be who pays for local services; in other
11 words, we finished the allocation of responsibilities between
12 existing local governments and immediately surrounding
13 (indiscernible - tape cuts out) receive some benefits of a
14 nearby local government and it is for the Commission under its
15 historic constitutional role to sort these issues out and to
16 make a decision that reflects the best interest of the state
17 and the best interests of the local residents whether they --
18 those are appreciated or not in the particular context.

19 I would hope that this Commission and it would be my
20 expectation that the Commission would always be a strong,
21 independent voice in favor of local government and to help
22 local residents assume both the benefits and burdens of self
23 government. It is not our province to promote so-called
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1 lifestyle communities existing beyond the reach of organized
2 government and whose apparent purpose is to avoid the
3 responsibilities, the social compact that brings Alaskan
4 Americans together in this country we call the United States.

5 So with these words, I want to thank both the staff. I
6 want to thank the colleagues and friends that I have on the
7 Commission for the time that we've had together and I wish you
8 luck in the years to come because the challenges that this
9 state faces at a state level and a local level are certainly
10 immense and they will be very difficult to address so good
11 luck and thank you for the time we've had together.

12 CHAIRMAN: Thank you. Okay. Anything else for us to --
13 we need to change the tape.

14 (Tape changed - Side B)

15 MR. BOCKHORST: We're back.

16 CHAIRMAN: We're back on tape. Are there comments from
17 any other commissioners?

18 COMMISSIONER LYNCH: This is Commissioner Lynch. I just
19 wanted to echo my appreciation for the efforts of staff over
20 the years. I think I have -- I have worked in state
21 government and local government for going on 20 years now and
22 the amount of effort that the staff and the Local Boundary
23 Commission is really unprecedented and I really appreciate all

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1 their effort on not just this but on other matters as well
2 because they've made our task so much easier.

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4 CHAIRMAN: Thank you, Commissioner Lynch. This is
5 Commissioner Waring. I did also want to say a few things, one
6 in praise and thanks of the work we have gotten -- the
7 professionalism and quality of the work we have gotten from
8 all staff during the time at least that I've been on the
9 Commission. As far as Mr. Bockhorst himself goes, I think
10 that he is a scholar, an unusual quality to have in government
11 actively applying those scholarly talents to decisions of the
12 sort this Commission is called upon to make. I do want to
13 make one comment clear in my own behalf and I suspect the --
14 my observation and a number of my colleagues -- there are some
15 out in the world observes the Commission in action that the
16 Commission is a rubber stamp, a bunch of potted plants that
17 will rubber stamp and approve whatever staff does send to us,
18 they are seriously mistaken. I don't think anyone would
19 consider Commissioner Tesche a potted plant. That is not his
20 reputation. I think, in fact, what we have got is a set of
21 hard-working, independent thinking commissioners and if Mr.
22 Bockhorst is guilty of anything, it is that a --
23 (indiscernible) being attuned to his understanding of the

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1 Commission and the Commission's frame of mind on the sorts of
2 policy issues that come before the Commission and that he very
3 much knows and respects the fact that ultimately, it is the
4 Commission that has responsibility for decisions and his role
5 is to offer the Commission his best professional analysis and
6 advice along with that of other staff. I think anyone who
7 misunderstands who actually makes Commission decisions is --
8 well, I think anyone who thinks that it's not the Commission
9 who makes the decisions is mistaken and who thinks that
10 Commission at least in my period on it, the group of
11 Commissioners who have been on it have delegated to Mr.
12 Bockhorst -- and I'm sure he does not feel that way -- has
13 delegated to him the authority that probably belongs with the
14 Commission.

15 I can also offer one remark about this Commission and
16 this is a real long-term view. I've loved being on the
17 Commission. I think the Commission does for this state
18 perform a role that every other state has gone without and
19 would benefit from. If we were to step back to look at the
20 situation of jurisdictional boundaries both for cities and
21 boroughs in Alaska compared to any other state, I would
22 venture that Alaskans' jurisdictional boundaries at the local
23 level and at the regional level make more sense than those of
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1 any other state in the union partly because we're the only
2 state that formed other jurisdictions on the basis of
3 standards, sensible standards set out in the Constitution
4 starting from scratch. There were no regional governments, no
5 boroughs before we had a constitution and that is unlike the
6 situation in any other state. Moreover, we had cities that
7 were formed prior to the Constitution and prior to statehood.

8 In the period since, I think that there is no other state
9 that has this sensible and rational a process for making
10 revisions to our (indiscernible) city boundaries.

11 (Indiscernible) as both occur, as some circumstances change,
12 (indiscernible) boundaries to conform in a practical way to
13 the realities that local governments face.

14 In short, I -- over the whole period of the Commission's
15 life, I think it has contributed to a -- as far as
16 jurisdictional boundaries go -- and this is a boundary
17 commission -- probably the best example of how governments
18 could be organized at the jurisdictional level. Perfect? No.

19 Has it solved all of the governmental issues in place?
20 Absolutely not but I think it gives local residents as good an
21 arena, as good a forum in which they could fight their local
22 battles and reach decisions that are most accountable to local
23 residents compared to the situations that we would find

1 outside in many areas. So I do, I think, simply want to offer
2 praise to our constitution makers for inventing this
3 Commission, for the responsibilities it gave this Commission
4 and for, over the years, the way this Commission, by and
5 large, dutifully done its job and saved us from the devils we
6 don't know but that do afflict local government almost
7 everywhere else in this state. No one expects much praise for
8 the devils you don't know and for not having any you like but
9 it really is the truth that Alaska has escaped many of the
10 paralyzing inter-governmental fights that absorb local
11 government so much outside in other states. Here at least we
12 don't have a lot of fighting between local governments, we
13 have our fights within a government and can settle things and
14 move on rather than invest endless time, energy and effort
15 into fighting to keep anything from happening.

16 Anyhow, I couldn't pass up an opportunity myself to
17 express my belief in the importance of the Commission and the
18 performance of staff and also offer my best wishes to the
19 remaining commissioners and those who will join the Commission
20 and hope they carry on in that constitutional commission and
21 we're about to run out of, you know, tape. So is there any
22 further comment by Commissioners or staff?

23 MR. BOCKHORST: Mr. Chairman? Recognizing here that we
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1 are running out of tape but just -- I'll keep my comments very
2 brief. It has been a great pleasure of mine to have been able
3 to work with and learn from the distinguished members of the
4 Commission. Over the past many years, I think that, you know,
5 as far as my personal experience is concerned, I've served the
6 Commission for 23 years and I think that this -- these past
7 five years or so have been a golden age in terms of some of
8 the challenges that the Commission has faced and how they've
9 met those challenges and I do want to sincerely express my
10 appreciation for all of the hard work that you folks have put
11 in on this job, the thankless times that you made the tough
12 decisions that you have been created to make as far as the
13 Commission is concerned and again, my sincere thank you.

14 CHAIRMAN: On behalf of the -- those commissioners who
15 will no longer be around, thank you for those comments and let
16 me just assure you there's still gold in those hills. There's
17 gold in those hills so look forward to that. Is there
18 anything else before we adjourn? Apparently not so we are
19 adjourned. Thank you, Commissioner Lynch.

20 (Meeting adjourned)

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I, Linda S. Foley, hereby certify that the foregoing
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Meeting of February 11, 2003, transcribed by me from a copy of
the electronic sound recording to the best of my knowledge and
ability.

March 6, 2003

Linda S. Foley, Transcriber